REMARKS

The Applicant has filed the present Response in reply to the outstanding Official Action of September 8, 2004, and the Applicant believes the Response to be fully responsive to the Official Action for reasons set forth below in greater detail.

At the onset the Applicant would like to note that independent Claims 1, 4 and 7 have been amended herewith. Specifically, the claims have been amended to clarify that the control means switches reception of at least one of said modules of said broadcast data from said broadcast reception means to said internet access means, when said conditions deteriorate. The control means is located within the receiving system. Claims 4 and 7 have also been amended to clarify that the Internet is only accessed based upon receiving conditions and more specifically when conditions of receiving deteriorate.

Additionally, the preamble of Claim 9 has been amended to recite "the computer program product" instead of "the receiving method" to correct a clerical error.

Applicant also would like to note that dependant Claims 10-12 have been added for examination by the Examiner. Claim 10 is directed to, *inter alia*, the internet access means selects at least one corresponding access destination from a list of access destinations stored in advance in an access destination memory means and designates at least one server for receiving and acquiring at least one of said modules of said broadcast data. Claims 11-12 are corresponding method and computer program product claims.

Claim 10 depends from Claim 1, Claim 11 depends from Claim 4 and Claim 12 depends from Claim 7.

Support for these new claims can be found at pages 9, lines 11-20 of the specification. Thus, no new matter has been added by the aforementioned amendments or additional claims.

The Applicant respectfully submits that all of the claims are patentable over Nonaka et al. (U.S. Patent No. 6,519,243) (hereinafter "Nonaka").

Nonaka teaches that when an interruption in the satellite data is detected, a request is made through the Internet to transmit the data using the Internet connection. This allows for the communication to be continued without an interruption. The communication between the PC and the server then utilizes both sides of the bi-directional path in the Internet. This leads to a conclusion that the entire broadcast will be received via the Internet connection when an interruption is detected. "The IP packet which is to be sent to RGW 10 from the SGW 20 is now transmitted by way of the Internet network..." See Col.6, lines 60-65.

The claimed invention as recited in amended Claims 1, 4 and 7 accesses the Internet only to receive modules that have not been received using the Internet access means. A detection means detects that a module has not been received and a control means switch the means for reception from the broadcast reception means to the Internet

access means only to receive the missing modules. As stated above, the reference teaches that when an interruption occurs, the receiving unit requests that all of the data is transmitted via the Internet. In stark contrast, in the claimed invention the modules would be received by both the broadcast reception means and the Internet access means. Therefore Nonaka fails to teach each and every limitation of the Claims 1, 4 and 7. Accordingly, Applicant respectfully submits that Claims 1, 4 and 7 are patentably distinct from the reference

Furthermore, with respect to claims 4-5, and 7-8 as amended, the Internet is only accessed based upon receiving conditions. However, Nonaka teaches that Internet access is always "on". The PC always has access to the Internet. When the satellite circuit is operating correctly, communications between the PC and the server utilize both one side of the bi-directional path of the Internet network and the unidirectional path of the satellite communications system. If the Internet access means was not on, when the satellite circuit was functional, the PC would not be able to utilize one side of the bi-directional path. The receiving unit is in constant access with the Internet in Nonaka i.e. using one side of the bi-directional communication path. In stark contract, the Internet access means is only used when conditions deteriorate. Therefore Nonaka fails to teach each and every limitation of the Claims 4-5, and 7-8. Accordingly, Applicant respectfully submits that Claims 4-5 and 7-8 are patentably distinct from the reference.

With regards to Claims 3, 6, and 9, the Examiner contends that Nonaka teaches storing in advance a list of names of said modules of said broadcast in memory and

comparing the names of modules already received with said list using a comparison means and detecting said non-received modules. While the reference teaches that the control means switches the routing of the data when the broadcast signal is cutoff or interrupted the reference fails to teach the method of determining that the signal is cutoff. The reference in no way suggests a memory means for storing in advance a list of names of said modules of said broadcast and a comparison means for comparing names of modules already received with said list using a comparison means. However, the Examiner contends that the phrase "[t]he IP packet sent here as illustrated in 1905 of Figure 10 is a destination address PCa and is therefore conveyed to PCa" is such a teaching. This is not a teaching of a list of modules of broadcast, rather solely a destination address for the data. Therefore Nonaka fails to teach each and every limitation of the Claims 3, 6, and 9. Accordingly, Applicant respectfully submits that Claims 3, 6 and 9 are patentably distinct from the reference.

Lastly, with regarding to new Claims 10-12, the Internet access means selects a corresponding access destination from a list of access destinations stored in advance in the access destination memory means and designates it as a server for module receiving to acquire the missing module. The Internet access means actively acquires the missing module. This feature is not disclosed in the prior art reference.

For all the foregoing reasons, the Applicant respectfully submits that all of the claims are patentability distinct from Nonaka.

In conclusion, the Applicant believes that the above-identified application is in condition for allowance and henceforth respectfully solicits the Examiner to allow the application. If the Examiner believes a telephone conference might expedite the allowance of this application, the Applicant respectfully requests that the Examiner call the undersigned, Applicant's attorney, at the following telephone number: (516) 742-4343.

Respectfully submitted,

Seth Weinfeld

Registration No. 50,929

Scully, Scott, Murphy & Presser

400 Garden City Plaza

Suite 300

Garden City, New York 11530

(516) 742-4343

SW:gn